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HOUSE BILL 583 By  
Chumney

SENATE BILL 871  
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 9; Title 33  
and Title 37, relative to community based services for  
children and families.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, is amended by adding  
Sections 2 through 8 of this act as a new Part.

SECTION 2. The general assembly finds and declares the following:

- (1) That child protective services, criminal investigation and prosecution are  
crucial for children who have been the victim of violence and criminal acts and for the  
protection of the public health, safety and welfare of all citizens;
- (2) That safety of the child and family members is the central goal of any system  
of child protective services;
- (3) That providing remedies for current abuse or neglect and prevention of future  
abuse or neglect are essential goals of child protection services;
- (4) That preserving the integrity and, to the extent possible, the autonomy of the  
family is an essential goal of programs and services such as child protective services;

(5) That services, including those related to child protection and mental health and developmental disability services, are best provided in a community-based setting, as accessible as possible to citizens needing such services;

(6) That other states have successfully combined the sometimes competing models of criminal investigation and prosecution with a family-oriented, community-based service delivery model, where no prosecution was warranted, while simultaneously protecting the child and family members;

(7) That many families who present in the context of child neglect or abuse are struggling with one or more family members who has a mental illness, developmental disability or history of abuse of alcohol or other addictive drug that, if treated and, especially if treated in the local community, will permit the family to remain together and provide the best alternative for the children as well as the family as a whole; and

(8) That development of linkages between the criminal justice system, child protective services and community mental health and developmental disabilities services will aid families, reduce pressure on fragile public resources, and protect public safety.

### SECTION 3.

(a) The department of children's services, by means of a grant entered into with the appropriate community organization or organizations and entities, and in conjunction with the department of mental health and developmental disabilities, shall establish a pilot child protective system consistent with this act.

(b) The pilot child protective system shall seek to promote the safety of children and integrity and preservation of their families by conducting initial triage of reports of harm under Title 37, Chapter 1, Parts 4 and 6 to determine whether individual reports require the conduct of criminal investigation and potential prosecution or family assessment and provision of services.

(c) The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

(d) In implementing the pilot child protective system, the department shall:

(1) Receive and maintain reports of harm under Title 37, Chapter 1, Parts 4 and 6;

(2) Forward the report to the appropriate local staff who shall determine, through the use of protocols developed by the department, whether an investigation with potential prosecution or the family assessment and services approach should be used to respond to the allegation. Such protocols and associated training shall give primary priority to ensuring the safety and well-being of the child and any other children in the home;

(3) Establish procedures to ensure that an appropriate investigation, pursuant to the requirements of Title 37, Chapter 1, Parts 4 and 6, shall occur for any reports, which if true, would involve a crime against a child as defined in the following statutes:

(A) Severe child abuse under §37-1-102(b)(21);

(B) Child sexual abuse under §37-1-602(a)(2)(A) and (B);

(C) First degree murder under §39-13-202;

(D) Second degree murder under §39-13-210;

(E) Voluntary manslaughter under §39-13-211;

(F) Criminal attempt for any of the offenses listed above as provided in §39-12-101;

(G) Aggravated assault under §39-13-102;

(H) Aggravated kidnapping under §39-13-304;

(I) Especially aggravated kidnapping under §39-13-305; and

(J) Aggravated child abuse under §39-15-402;

(4) Cause a thorough investigation of family assessment and services approach to be initiated within twenty-four (24) hours of receipt of the report. If the report indicates that the child is in danger of serious physical harm or threat to life, an investigation or family assessment and services approach shall include direct observation of the subject child within twenty four (24) hours of receipt of the report;

(5) Assess, in cases in which the family assessment and services approach is used, any service needs of the family, which shall, in part, be based upon information gathered from the family as well as other sources;

(6) Provide services, in cases in which the family assessment and services approach is used, which are voluntary and time-limited, unless it is determined based upon the assessment that there is a high risk of abuse or neglect if the family refuses to accept services. Continued refusal of services shall be a factor in determining whether to commence an investigation;

(7) Assist the child and the family in obtaining services;

(8) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse and neglect;

(9) Use disciplinary services, including case management; and

(10) Maintain the information in an information system for such purpose.

SECTION 4. The department shall monitor and evaluate the success and effectiveness of the child protective system. Such evaluation shall include, but not be limited to, determining whether children participating in the system have been adequately protected and served; whether families have been the subject of repeat reports; gathering and reviewing statistics and data regarding families in both approaches; and making recommendations for change in the

system. An annual report shall be provided to the house children and family affairs committee, no later than January 10 of each year.

#### SECTION 5.

(a) The department of mental health and developmental disabilities shall, by means of a grant or otherwise, establish a pilot mental health court to identify and provide treatment and services to persons who are mentally ill, developmentally disabled or dually diagnosed, or persons who have a history of abuse of alcohol or other addictive drug. Such pilot shall include persons who present in the context of child abuse or child neglect reports under this act.

(b) Such pilot system shall strive to create a single point of contact for persons governed by the act; shall provide case management, forensic alternative community treatment and community-based services.

SECTION 6. The provisions of this act shall apply to any county having a population of not less than eight hundred twenty-five thousand (825,000), nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census.

SECTION 7. Funds provided through state grants under this act shall be subject to county match.

SECTION 8. The commissioners of children's services and mental health and developmental disabilities are authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 9. This act shall take effect on July 1, 2001, the public welfare requiring it.